

REMARKS/ARGUMENTS

The Office Action dated May 11, 2009 has been received and duly noted.

Applicant confirms the provisional election without traverse to prosecute the invention of Group I, Claims 30-44. Claims 45-49 have accordingly been cancelled.

The Examiner noted the incorrect dependence of Claim 39 on cancelled Claim 1. Applicant has amended Claim 39 to be dependent on Claim 30.

The Examiner found Claims 30, 34, 35, 37, 39, 41, 43 and 44 to be anticipated by U.S. 5,359,990 (Hsu).

Claim 30 recites, amongst others, a casing configured for positioning within the internal walls that define an airflow path, with the casing housing a first filter and at least one spray outlet. This arrangement is exemplified in Figure 7 and 12 of the specification. Such an arrangement allows the invention to be retrofitted within existing exhaust systems with minimal capital outlay (see page 5, lines 20-27). This embodiment also reduces manufacturing costs and allows for easy dismantling of the casing, the spray outlet and the barrier in a manner not possible according to the cited art. This arrangement is not disclosed or suggested in any of the cited references.

Hsu does not disclose the above arrangement. To the contrary, Hsu distributes its filters and spray outlets along the air flow path (i.e. U-shaped pathway 10) itself. No casing is provided within the U-shaped pathway 10 to house the filters and spray outlets. For at least this reason, Hsu cannot be said to teach each and every element as set forth in Claim 30. Claim 30 is therefore

not anticipated by Hsu. The remaining claims are also not anticipated by virtue of their direct or indirect dependency on Claim 30 and by virtue of the additional features they recite.

The Examiner found Claims 31-33 to be unpatentable over Hsu in view of U.S. 4,227,903 (Gustavsson), Claims 36, 40 and 42 to be unpatentable over Hsu and Claim 38 to be unpatentable over Hsu in view of U.S. 7,211,551 (McDonald). Applicant respectfully submits that Claims 31-33, 36, 38, 40 and 42 are patentable at least by virtue of their direct or indirect dependency on Claim 30.

Claim 31 is additionally patentable given its recitation of louvres that are adjustable between an open position and a closed position, wherein the open position creates openings into the casing, and the closed position closes the openings. Gustavsson's louvres form part of a louvre-punched plate (i.e., a plate with louvres being punched out). The louvres, which serve the function of baffles, are accordingly fixed with respect to the plate (since they are punched out) and are not adjustable between open and closed positions as claimed. While the louvre-punched plate is pivotable, this movement does not result in an open position where openings into the casing are created, and a closed position where those openings are closed.

Applicant submits that claim 32 is additionally patentable since there is no disclosure of a slidable barrier in Gustavsson. As noted above, Gustavsson's louvre-punched plate is only pivotable. Also the pivoting of Gustavsson's louvre-punched plate does not create an opening into the casing since such openings are always present by virtue of the punched-out louvres.


Applicant has added new Claims 50-54. Claim 50 recites the specific arrangement of two chambers within a fixture adjacent the casing, support for this limitation being provided at page 6, lines 7-9. Claim 51 recites a layer of coating on the louvers to aid in the filtration process, as supported at page 13, lines 15-17. Claim 52 recites that the casing is configured to be positioned at an angle within the internal walls, with the chamber being for excess spray capture, as supported at page 8, lines 30-32 and Figure 7.

Independent Claim 53 is similar to Claim 30, and further includes the recitation that the barrier includes at least two chambers within the fixture. Applicant submits the prior art does not show the combination of Claim 30, and also does not disclose or suggest the combination of independent Claim 53. Newly added independent Claim 54 is also similar to Claim 30, and further includes the recitation of Claim 34 that the barrier includes at least one chamber for the containment of liquid, and the feature of Claim 52 reciting that the casing is configured to be positioned at an angle within the internal walls, and wherein the at least one chamber is configured to capture excess spray. Applicant submits the prior art does not show the combination of Claim 30, and also does not disclose or suggest the combination of independent Claim 54.

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In view of the above, early allowance of the application is requested.

Respectfully submitted,


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